

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:20-cv-00068-CJN**

BUSH v. UNITED STATES DEPARTMENT OF  
AGRICULTURE et al  
Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/08/2020  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****WILLIAM BUSH**

represented by **WILLIAM BUSH**  
945 530th Street  
Cleghorn, IA 51014  
(712) 229-9670  
PRO SE

V.

**Defendant****UNITED STATES DEPARTMENT OF  
AGRICULTURE**

represented by **Sean Michael Tepe**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****UNITED STATES OF AMERICA**

represented by **Sean Michael Tepe**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/08/2020	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES OF AMERICA ( Filing fee \$ 400, receipt number 4616102023) filed by WILLIAM BUSH. (Attachments: # <u>1</u> Civil Cover Sheet)(jf) (Entered: 01/14/2020)
01/08/2020		SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES OF AMERICA, U.S. Attorney and U.S. Attorney General (jf) (Entered: 01/14/2020)
01/31/2020	<u>2</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF AGRICULTURE served on 1/24/2020, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/27/2020., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/27/2020. ( Answer due for ALL FEDERAL DEFENDANTS by 2/26/2020.) (eg) (Entered: 02/03/2020)
02/25/2020	<u>3</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>Motion to Set Date to Answer or Respond</i> by UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES OF AMERICA (Tepe, Sean) (Entered: 02/25/2020)

02/28/2020		MINUTE ORDER. Upon review of Defendants' <u>3</u> Motion to Set a Date to Answer or Otherwise Respond to Complaint, and for good cause shown, it is hereby ORDERED that the Motion is GRANTED and that Defendants shall respond to the Complaint on or before April 27, 2020. Signed by Judge Carl J. Nichols on February 28, 2020. (lccjn3) (Entered: 02/28/2020)
02/28/2020	<u>4</u>	STANDING ORDER. Signed by Judge Carl J. Nichols on February 28, 2020. (lccjn3) (Entered: 02/28/2020)
02/28/2020		Set/Reset Deadlines: Defendants Response To The Complaint due by 4/27/2020, (mac) (Entered: 02/28/2020)
02/28/2020	<u>5</u>	Memorandum in opposition to re <u>3</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>Motion to Set Date to Answer or Respond</i> filed by WILLIAM BUSH. (Attachment: # <u>1</u> Text of Proposed Order)(eg) (Entered: 03/03/2020)
04/01/2020	<u>6</u>	MOTION for Extension of Time to Effectuate Service of Process by WILLIAM BUSH (eg) (Entered: 04/03/2020)
04/01/2020	<u>7</u>	MOTION to Delay Certification of the Class by WILLIAM BUSH (eg) (Entered: 04/03/2020)
04/27/2020	<u>8</u>	ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE.(Tepe, Sean) (Entered: 04/27/2020)
04/29/2020	<u>9</u>	MOTION for Reconsideration re Order on Motion for Extension of Time to Answer, by WILLIAM BUSH (Attachment: # <u>1</u> Memorandum in Support)(eg) (Entered: 04/30/2020)
05/11/2020		MINUTE ORDER. Upon review of Plaintiff's <u>6</u> Motion for Extension of Time to Effectuate Service of Process, it is hereby ORDERED that the Motion is DENIED as moot. Defendant has filed its Answer and does not appear to challenge service. Signed by Judge Carl J. Nichols on May 11, 2020. (lccjn3) (Entered: 05/11/2020)
05/11/2020		MINUTE ORDER. In light of Plaintiff's <u>7</u> Motion to Delay Class Action Certification, it is hereby ORDERED that Defendant shall file a Response on or before May 25, 2020. Signed by Judge Carl J. Nichols on May 11, 2020. (lccjn3) (Entered: 05/11/2020)
05/11/2020		MINUTE ORDER. Upon review of Plaintiff's <u>9</u> Motion for Reconsideration of Minute Order Granting Defendants' Motion for Extension of Time, it is hereby ORDERED that the Motion is DENIED. Defendants have already filed their responsive pleading. The Court was aware of Plaintiff's opposition to Defendants' extension request when it issued its Minute Order and found Defendants demonstrated good cause for an extension. As their Motion indicated, this action is not a "straightforward action to compel" the production of documents as Plaintiff appeared to raise various constitutional claims in his prayer for relief. Signed by Judge Carl J. Nichols on May 11, 2020. (lccjn3) (Entered: 05/11/2020)
05/11/2020		MINUTE ORDER. Before the Court are a Complaint and Defendants' Answer. Accordingly, the Parties shall meet and confer to discuss each of the matters set forth in Local Civil Rule 16.3(c). The Parties shall submit a Joint Meet and Confer Report addressing all topics listed in Local Civil Rule 16.3(c) on or before June 5, 2020. The Parties shall also submit a proposed scheduling order pursuant to Local Civil Rule 16.3(d). After submission of the Joint Meet and Confer Report, the Court will, if necessary, schedule an Initial Scheduling Conference. Following submission of the Joint Meet and Confer Report or following the Initial Scheduling Conference, the Court will issue a Scheduling Order governing proceedings in the case. Signed by Judge Carl J. Nichols on May 11, 2020. (lccjn3) (Entered: 05/11/2020)
05/19/2020	<u>11</u>	MOTION for Recusal by WILLIAM BUSH (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit)(eg) (Entered: 05/26/2020)
05/19/2020	<u>12</u>	AFFIDAVIT FOR DEFAULT by WILLIAM BUSH. (eg) (Entered: 05/26/2020)
05/25/2020	<u>10</u>	Memorandum in opposition to re <u>7</u> MOTION for Extension of Time to <i>Seek Class Certification</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Tepe, Sean) (Entered: 05/25/2020)

05/26/2020	<u>13</u>	REPLY to opposition to motion re <u>7</u> MOTION for Extension of Time to filed by WILLIAM BUSH. (eg) (Entered: 05/27/2020)
06/05/2020	<u>14</u>	MEET AND CONFER STATEMENT. (Tepe, Sean) (Entered: 06/05/2020)
06/22/2020		MINUTE ORDER. In light of Plaintiff's <u>11</u> Motion for Recusal, it is hereby ORDERED that Defendant shall file a Response on or before July 6, 2020. Signed by Judge Carl J. Nichols on June 22, 2020. (lccjn3) (Entered: 06/22/2020)
06/22/2020		MINUTE ORDER. Upon review of the Parties' <u>14</u> Joint Meet and Confer Report, it is hereby ORDERED that: on or before August 28, 2020, Defendants shall file their Motion for Summary Judgment; on or before September 28, 2020, Plaintiff shall file his Opposition to Defendants' Motion and Cross-Motion for Summary Judgment; on or before October 28, 2020, Defendants shall file their Opposition to Plaintiff's Cross-Motion for Summary Judgment and Reply in Support of Defendants' Motion for Summary Judgment; and on or before November 18, 2020, Plaintiff shall file his Reply in Support of his Cross-Motion for Summary Judgment. The Court notes that Plaintiff has indicated in the Joint Meet and Confer Report that he intends to file several other motions. Motions for preliminary injunctions are highly disfavored in FOIA cases. <i>See, e.g., Long v. Dep't of Homeland Security</i> , 436 F. Supp.2d 38 (D.D.C. 2006). Similarly, it "is established that [d]iscovery is not favored in lawsuits under the FOIA." <i>Beltranena v. Clinton</i> , 770 F. Supp. 2d 175, 187 (D.D.C. 2011) (internal quotation marks and citation omitted). Plaintiff is cautioned against filing motions with legal contentions that are not warranted by existing law and which may subject him to sanctions. <i>See</i> Fed. R. Civ. P. 11. Signed by Judge Carl J. Nichols on June 22, 2020. (lccjn3) (Entered: 06/22/2020)
06/22/2020		Set/Reset Deadlines: Response due by 7/6/2020. (zcal) (Entered: 06/23/2020)
06/22/2020		Set/Reset Deadlines: Summary Judgment motions due by 8/28/2020. Cross Motions due by 9/28/2020. Response to Motion for Summary Judgment due by 9/28/2020. Response to Cross Motions due by 10/28/2020. Reply to Motion for Summary Judgment due by 10/28/2020. Reply to Cross Motions due by 11/18/2020. (zcal) (Entered: 06/23/2020)
07/06/2020	<u>15</u>	Memorandum in opposition to re <u>11</u> MOTION for Recusal filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Tepe, Sean) (Entered: 07/06/2020)